



CITY OF MEMPHIS

COUNCIL AGENDA

June 3, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING

1. **ORDINANCE** rezoning the southeast corner of Park Avenue and Tunstall Street, containing Three (3) parcels – 13,503 square feet (.31 acre) in the Local Commercial (C-L) District, up for F I R S T reading.

Peete

Ordinance No. 5006

Case No. Z 03-108

Applicant: Orange Mound Development Corporation (OMDC)
Eddie Hayes III – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (none)

ENGINEERING (none)

NOTATIONS FROM OPD

2. **NOTATIONS** from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 03-303

Located on the northwest corner of Macon Road and Cully Road, containing 8.3 acres in lots 1,2,4,6,7 & 8 currently governed by Cordova Office Park Planned Development(P.D. 95-347) and Lots 3 & 5 in the Agricultural (AG) District.

Applicant: Judith C. Brown, et al
Fisher & Arnold, Inc. – Representative

Request: Planned development to include Lots 1 thru 8 to allow uses in accordance with the Residential Estate (R-E) and Neighborhood Commercial(C-N) Districts within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 03-304cc – Holmes/Hacks Cross Planned Development

Located on the southeast corner of Holmes Road and Hacks Cross Road, containing 9.4 acres in the Agricultural(AG) District

Applicant: Michael Lightman, et al
Ronald Harkavy, Armstrong Allen, PLLC – Representatives

Request: Planned development to allow limited uses in accordance with the Planned Commercial(C-P) District within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 03-313

Located on the northeast corner of Summer Avenue and Highland Street, containing 1.87 acres in the Highway Commercial(C-H) & Duplex Residential(R-D) Districts

Applicant: Weingarten Nostat, Inc.
Steve Grushkin(Buchart-Horn, Inc) –Representative

Request: Commercial/Office Uses

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 02-609 – Highman Alley

Located on the east side of Manassas Street; between Jackson Avenue and North Parkway, containing 0.162 acre in the Mixed Use (MU), Moderate-Density Residential and Multiple Dwelling Residential (R-MM) Districts

Applicant: Neighborhood Christian Center
ETI Corporation –Ralph Smith – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 02-619 – Moccasin Drive

Beginning at the west line of Deerskin Drive and proceeding west \pm 115 feet therefrom, containing 0.1376 acre in the Street/Duplex Residential (R-D) District

Applicant: Memphis Housing Authority
Dickinson & Bennett – James K. Dickinson – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 02-631 – Mosby Avenue

Beginning on the east line of Ayers Street and proceeding approximately 1,016 feet to the west line of Decatur Street therefrom, containing 1.17 acres

Applicant: Memphis Housing Authority
Ellers, Oakley, Chester & Rike, Inc. – Representatives

Request: Closure Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SAC 02-632- Pauline Street and Pauline Circle

Located on Pauline Street and Pauline Circle, between Mosby Avenue and Poplar Avenue, containing 2.12 acres

Applicant: Memphis Housing Authority
Ellers, Oakley, Chester & Rike, Inc. –Representatives

Request: Closure Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

H. Case No. SAC 02-633 – Delmar Avenue

Beginning on the east line of Ayers Street and proceeding approximately 1,052 feet to the west line of Decatur Street therefrom, containing 1.21 acres

Applicant: Memphis Housing Authority
Ellers, Oakley, Chester & Rike, Inc. – Representatives

Request: Closure Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SR 02-901 – The Southeast Mental Health Center, Inc.

Located on the southeast corner of Kimball Avenue and Robinhood Lane, containing 2.15 acres in the Single Family Residential (RS-6) District overlaid by the Southeast Mental Health Center, Inc. Planned Development (PD 85-325) SUP 82-004, SUP 3246, and SUP 3374 AM

Applicant: Curtis W. & Mahalia J. Roby, & Cecilia Kirkwood

Request: Revocate Planned Development Final Plat as recorded in Plat Book 102, Page 35 S. C. R.O.

LUCB and OPD recommendation: APPROVAL, with conditions

J. Case No. SR 02-902 – Wayside Subdivision

Located on the northwest corner of Winchester Road and Tchulahoma Road, containing 3.421 acres

Applicant: Memphis Shelby County Airport Authority
SR Consulting, LLC – Representative

Request: Revoke Eight (8) lot Final Plat (Plat Book 16, Page 61)

LUCB and OPD recommendation: APPROVAL, with conditions

K. Case No. UV 03-01

Located on the east side of Lamar Avenue; +261 feet south of Clearpool Circle, containing 2.7 acres in the Local Commercial (C-L) District

Applicant: Andy Bhakta

Request: Billboard

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: June 17, 2003

GENERAL ITEM

3. RESOLUTION approving an honorary street name change for Reverend Ernest Motley.
Lowery

ACTION REQUESTED: Adopt the resolution



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Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

4. RESOLUTION for an honorary street name change for John Conrad Jones
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

BUDGET ITEMS

5. RESOLUTION to establish the Memphis Light Gas and Water Division In-Lieu-Of Tax payment to the City of Memphis for Fiscal Year 2004.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION to establish and approve the Fiscal Year 2004 Memphis and Shelby County Public Library and Information Center Budget.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION to approve the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2004 – 2008.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION to direct the City Treasurer to prepare tax bills for the various utilities and carriers utilizing the last certified assessment as of June 30, 2002.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION to approve the FY 2004 Budget for the Center City Commission.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION to approve the use of Hotel/Motel Tax funds for the Fiscal Year 2004 operating deficit of the Convention Center.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

11. **ORDINANCE** establishing the fiscal 2004 Operating Budget for the City of Memphis, up for
T H I R D and F I N A L reading.
Vander Schaaf Ordinance No. 5004

ORDINANCE appropriating the proceeds of the tax levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2003, through June 30, 2004, inclusive, together with all collections from

privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2003 through June 30, 2004, inclusive, to provide the manner in which monies may be transferred from one fund to another and to provide the standard code designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Take whatever action Council deems advisable

12. **ORDINANCE** to Fix the Tax Rate of the City of Memphis for Fiscal Year 2004, up for T H I R D and F I N A L reading.

Vander Schaaf

Ordinance No. 5005

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK COMMISSION

13. RESOLUTION appropriating \$1,282,000.00 in G.O. Bonds General for Martin Luther King Park, CIP Project Number PK005.(Held from 5/20)

Vergos

Bids were taken on April 25, 2003 with the lowest and best bid of nine bidders being from Grinder Building Corporation for the construction of King Riverside Golf Clubhouse.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICE (none)

DIVISION OF PUBLIC WORKS

14. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$853,418.00 in G.O. Bonds from Minor Street Cover Line project number PW075 to Walnut Road Street Improvements project number PW259 for a construction contract with Ferrell Paving, Inc.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$37,807.00 in Sewer Funds from Subdivision Outfalls project number SW002 to Almost Perfect Daycare Sewer Extension project number SW119 for construction contract with Argo Construction, Inc.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$26,541.00 in G.O. Bonds from Drainage project number PW120 to Whitehaven Drainage District project number PW442 for a construction contract with Acuff Enterprises dba Scott Contractors, Inc.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES - THIRD AND FINAL READING

17. **ORDINANCE** to amend Chapter 22, Code of Ordinances, City of Memphis, by creating a new Chapter 22; to provide regulation for Excessive Noise, up for T H I R D and F I N A L reading. (Held from 7/16; 8/20/ 9/17; 10/1; 10/15; 12/03; 1/7; 2/18; 3/4; 3/18; 4/15; 5/6;5/20) (**Pulled from January 21, 2003 Minutes**)

Peete

Ordinance No. 4952

ACTION REQUESTED: Take whatever action Council deems advisable

18. **ORDINANCE** to annex Bridgewater area, up for T H I R D and F I N A L reading. (Held from 11/26; 12/3; 12/17; 1/7; 1/21; 2/18; 3/4; 5/6;5/20)

Peete

Ordinance No. 4979

ACTION REQUESTED: Take whatever action Council deems advisable

19. **ORDINANCE** to assign newly annexed areas to council districts and to revise and change all council districts so that all such districts will remain as equal as practicable and all such districts will comply with the injunction decree issued by United States District Judge Jerome Turner, pertaining to Voting Rights Act remedies, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5001

ACTION REQUESTED: Take whatever action Council deems advisable

20. **ORDINANCE** amending Chapter 21, Article IV, Division 1 of the Code of Ordinances regarding Parking Vehicles on Residential Streets, up for T H I R D and F I N A L reading.

Mitchell

Ordinance No. 5002

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** to amend Chapter 25, Code of Ordinance, City of Memphis, so as to Increase Pension Benefits allowable under Section 25-95 and 25-195, up for T H I R D and F I N A L reading.

Vander Schaaf

Ordinance No. 5003

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING (none)

DIVISION OF PLANNING & DEVELOPMENT

22. RESOLUTION adopting a Plan of Services for the Bridgewater Annexation Area. (Held from 2/17; 1/7; 1/21; 2/18; 3/4; 5/6;5/20).

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

23. RESOLUTION approving a planned development located on the south side of Levi Road; +331.50 feet east of Oakshire Street, containing 40 acres in the Single Family Residential (R-S6) District.

Peete

Case No. PD 03-321

Applicant: Lakeview Road Limited Partnership
Joe Cooper - Representative

Request: Planned development to allow for single family residential and
multiple family residential use

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

108 NOTICES MAILED ON MAY 23, 2003

GENERAL ITEM

ADJOURNMENT